

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Dennis Sammut, et al	Group No.:	Not Assigned
Serial No.:	10/579,119	Examiner:	Not Assigned
Filed:	05/10/2006		
Entitled:	<b>Apparatus and Method for Calculating Aiming Point Information</b>		

**RENEWED PETITION IN ACCORDANCE WITH 37 C.F.R. § 1.47(a)**

**EFS WEB FILED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir or Madam:

The present application was filed on May 10, 2006. A Notification of Missing Requirements under 35 U.S.C. 371 issued January 12, 2007. The missing item was a Declaration signed by the named inventors Dennis J. Sammut, Lawrence Chao, and Dickenson Buell. After a diligent and good faith effort, Inventor Buell refused or was unable to sign an accompanying Declaration. A Petition is herewith submitted indicating that a diligent and good faith effort was made in attempting to procure the signature of the non-signing Inventor Buell.

Petition of Horus Vision, Assignee of U.S. Patent Application Serial No: 10/579,119:

1. Horus Vision is the Assignee of U.S. Patent Application Serial No. 10/579,119 and related patent applications linked by priority to U.S. Patent National Entry Application Serial No. PCT/US2004/037947. PCT Patent Application Serial No. PCT/US2004/037947 is presently being prosecuted by the law firm CASIMIR JONES, S.C.
2. U.S. Patent Application Serial No. 10/579,119, filed May 10, 2006, is the product of Inventors: Dennis J. Sammut, Lawrence Chao and Dickinson Buell. (hereinafter "Mr. Buell").
3. U.S. Patent Application Serial No. 10/579,119, filed 05/10/2006 is a National Entry of PCT/US2004/037947 is a continuation-in-part of co-pending U.S. Patent Application Serial No. 10/706,184 filed 12 November, 2003, which is a continuation-in-part of U.S. Patent Application Serial No. 10/092,921 filed 6 March 2002, now U.S. Patent No. 6,681,512, which is a continuation-in-part of U.S. Patent Application Serial No. 9/519,124 filed 6 March 2000, now U.S. Patent No. 6,453,595, which is a continuation-in-part of U.S. Patent Application Serial No. 09/129,729 filed 5 August, 1998, now U.S. Patent No. 6,032,374, which is a continuation-in-part of U.S. Patent Application Serial No. 08/986,458 filed 8 December, 1997, now U.S. Patent No. 5,920,995. U.S. Patent Application Serial No. 10/716,184 also claims priority to International Patent Application PCT/US02/18490, filed 10 June, 2002, which claims priority to U.S. Patent Application Serial No. 09/882,767, filed 14 June, 2001, now U.S. Patent No. 6,516,699.

4. Mr. Buell willingly endorsed Inventorship Declarations complying with 37 C.F.R. §1.63 of the Parent Application 10/706,184 from which U.S. Patent Application Serial No: 10/579,119 claims priority.
  
5. A complete copy of the Application as filed (specification, including claims, drawings) and a blank Declaration Form complying with 37 C.F.R. §1.63, related instructions, were sent by Certified U.S. Mail (Tracking Number 7006 0100 0003 6877 7042) to Inventor Mr. Buell on March 08, 2007 to meet the filing deadline of April 12, 2007 at the following address:

Dickinson Buell  
310 Cherry Lane, Apartment E  
Phoenix, OR 97535-7708

A copy of the Certified Mail receipt is attached at Addendum A.

6. The Certified U.S. Mail (Tracking Number: 7006 0100 0003 6877 7042) sent to Mr. Buell on March 08, 2007, was claimed by Mr. Buell himself on March 12, 2007. An additional attempt was made on April 23, 2007 by Certified U.S. Mail (Tracking Number: (7003 2260 0001 3908 1536), which was claimed by Mr. Buell on April 27, 2007.

A copy of the Certified Mail receipt is attached at Addendum B.

7. The last known address of Mr. Buell is:

Dickinson Buell  
310 Cherry Lane, Apartment E  
Phoenix, OR 97535-7708  
Telephone Number: (541) 512-1418

8. The Applicants further note that in related U.S. Patent Application Serial 11/389,723, Inventor Dickinson Buell was also a non-signing inventor. In that case, a Petition in Accordance with 37 C.F.R. 1.47(a) was filed in lieu of an executed Declaration from non-signing inventor Dickinson Buell. The Decision Granting Status and the Petition is attached with the present Petition in Accordance with 37 C.F.R. 1.47(a).

A copy of the Decision Granting Status is attached at Addendum C.

9. The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s), and/or credit any overpayment, to **Deposit Account No. 50-4302. An originally executed duplicate of this transmittal is enclosed for this purpose.**

Dated: October 9, 2007

/Jason R. Bond/

Jason R. Bond  
Registration No. 45,439

**CASIMIR JONES, S.C.**  
440 Science Drive, Suite 203  
Madison, WI 53711  
608/218-6900

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dickinson Buell  
310 Cherry Lane, Apt. E  
Phoenix, OR  
97535-7708

2. Article Number

(Transfer from service label)

7006 0100 0003 6877 7042

PS Form 3811, February 2004

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

D. Buell

☒ Agent☐ Addressee

B. Received by (Printed Name)

D. Buell

C. Date of Delivery

3-12

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

**MEDLEN &  
CARROLL**  
LLP

March 8, 2007

Dickinson Buell  
310 Cherry Lane, Apartment E  
Phoenix, OR  
97535-7708

Re: U.S. Patent Application Serial No.: 10/579,119  
Filed: 05/10/2006  
Entitled: **Apparatus and Method for Calculating Aiming Point  
Information**  
Our File: SAMMUT-10964

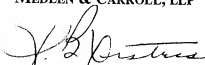
Dear Mr. Buell:

Enclosed for your records is a copy of the Application as filed in the above-referenced matter, which we filed in the U.S. Patent and Trademark Office on 05/10/2006. Please note that I am also enclosing an Assignment for Recordation as well as a Declaration that you will need to fully execute and return to me no later than **April 09, 2007** (for filing on April 12, 2007) to Medlen & Carroll, LLC, 440 Science Drive, Suite 203, Madison, WI 53711 Attention: Jennifer B. Xistris. In the essence of time you may prefer return the signed and dated documents to me by facsimile (608.218.6910) or by email ([jbxistris@medlencarroll.com](mailto:jbxistris@medlencarroll.com)). For your convenience I have enclosed a stamped, self-addressed envelope.

We will continue to keep you apprised of the status of this application as it progresses through the Patent Office. In the meantime, please do not hesitate to contact our office with any questions and/or concerns you may have.

Very truly yours,

**MEDLEN & CARROLL, LLP**

  
Jennifer B. Xistris  
Administrative Assistant  
[jbxistris@medlencarroll.com](mailto:jbxistris@medlencarroll.com)

/jbx  
Enclosure

U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 5.70
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 9.95
Sent To <u>DICKINSON BUELL</u>	
Street, Apt. No., or PO Box No. <u>310 Cherry Lane, Apt E.</u>	
City, State, ZIP+4® <u>Phoenix OR 97535</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

Patent, Trademark

## ASSIGNMENT

WHEREAS, I, Dickinson Buell, hereinafter referred to as "ASSIGNOR," have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **Apparatus and Method for Calculating Aiming Point Information**

Filing Date: **5/10/2006** Serial No.: **10/579,119**

WHEREAS, Horus Vision, a California corporation having a place of business at 659 Huntington Avenue, San Bruno, California 94066, hereinafter referred to as "ASSIGNEE," is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to ASSIGNOR by ASSIGNEE, and other good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, or prolongations or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full extent and term of any Letters Patent.

ASSIGNOR further agrees that ASSIGNOR will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications; execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof; and perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's name to this Assignment on the date indicated below.

\_\_\_\_\_  
Dickinson Buell Date

STATE OF )  
                  )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned Notary Public or Witness, personally appeared the above-named ASSIGNOR, known to me (or proven to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC or WITNESS  
MY COMMISSION EXPIRES: \_\_\_\_\_

PLACE STICKER ABOVE OR ATTACH TO THE FRONT  
OF THE ENVELOPE ADDRESS ONLY  
**CERTIFIED MAIL™**



7003 2260 0001 3908 1536

April 23 Reminder

440 Science Drive, Suite 203 Madison, Wisconsin 53711

**MEDLEN &  
CARROLL**  
LLP

Mr. Dickinson Box 11  
310 Cherry Lane, Apt. E  
Phoenix, AZ.

97535 - 7708



UNITED STATES POSTAGE  
FIRST-CLASS PERMIT NO. 1000 PHOENIX, AZ  
02 1P \$004  
0004169852 APR 23  
MAILED FROM ZIP CODE



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- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

MR. DICKINSON BUELL  
310 Cherry Lane  
Apartment E  
Phoenix, OR  
97535 - 7708

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature J. Buell ☒ Agent ☐ Addressee
- B. Received by (Printed Name) J. Buell C. Day of Delivery 7/13/01
- D. Is delivery address different from item 1? ☒ Yes ☐ No  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

## 2. Article Number:

(Transfer from service label)

7003 2260 0001 3908 1536

PS Form 3811, February 2004

Domestic Return Receipt

10256-99-150

## SENDER: COMPLETE THIS SECTION

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- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

MR. DICKINSON BUELL  
310 Cherry Lane  
Apartment E  
Phoenix, OR  
97535 - 7708

## COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

## 3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

## 2. Article Number:

(Transfer from service label)

7003 2260 0001 3908 1536

**MEDLEN & CARROLL**  
LLP

April 23, 2007

Dickinson Buell  
310 Cherry Lane, Apartment E  
Phoenix, OR  
97535-7708

Re: U.S. Patent Application Serial No.: 10/579,119  
Filed: 05/10/2006  
Entitled: **Apparatus and Method for Calculating Aiming Point Information**  
Our File: SAMMUT-10964


Dear Mr. Buell:

This correspondence serves as a reminder to the upcoming deadline to respond to The Notice of Missing Parts for the above-referenced matter, which we filed in the U.S. Patent and Trademark Office on 05/10/2006. Please note that I am also enclosing an Assignment for Recordation as well as a Declaration that you will need to fully execute and return to me no later than **May 10, 2007** (for filing on May 14, 2007) to Medlen & Carroll, LLC, 440 Science Drive, Suite 203, Madison, WI 53711 Attention: Jennifer B. Xistris. In the essence of time you may prefer return the signed and dated documents to me by facsimile (608.218.6910) or by email ([jbxistris@medlencarroll.com](mailto:jbxistris@medlencarroll.com)). For your convenience I have enclosed a stamped, self-addressed envelope.

We will continue to keep you apprised of the status of this application as it progresses through the Patent Office. In the meantime, please do not hesitate to contact our office with any questions and/or concerns you may have.

Very truly yours,

MEDLEN & CARROLL, LLP

  
Jennifer B. Xistris  
Administrative Assistant  
[jbxistris@medlencarroll.com](mailto:jbxistris@medlencarroll.com)

/jbx  
Enclosure

Patent, Trademark

440 Science Drive, Suite 203 Madison, Wisconsin 53711

West Coast

Southwest

Midwest

East Coast

U.S. Postal Service <sup>TM</sup>	
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 6.3
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88
Sent To Dickinson Buell	
Street Apt. No. or PO Box No. 310 Cherry Lane, Apt E	
City, State, ZIP+4 Phoenix OR 97535-7708	
PS Form 3800, June 2002 See Reverse for Instructions	

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Apparatus and Method for Aiming Point Calculation**, the specification of which was filed on **05/10/2006** as Application Serial No. **10/579,119**. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119, of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PCT US 02/18490	PCT	10 June 2002	Yes
Number	Country	Day/Month/Year Filed	Priority Claimed
10/706,184	12 November 2003	Pending	
10/092,921	06 March 2002	Pending	
09/882,767	14 June 2001	Pending	
09/519,124	06 March 2000	Pending	
09/129,729	05 August 1998	Pending	
08/986,458	08 December 1997	Pending	
Application Serial No.	Filing Date	Patented, Pending, or Abandoned	

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or Third Inventor: **Dickinson Buell**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 310 Cherry Lane, Apartment E, Phoenix, OR 97535-7708 Citizenship: United States of America  
Post Office Address: 310 Cherry Lane, Apartment E, Phoenix, OR 97535-7708

## ASSIGNMENT

WHEREAS, I, Dickinson Buell, hereinafter referred to as "ASSIGNOR," have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **Apparatus and Method for Calculating Aiming Point Information**

Filing Date: **5/10/2006** Serial No.: **10/579,119**

WHEREAS, Horus Vision, a California corporation having a place of business at 659 Huntington Avenue, San Bruno, California 94066, hereinafter referred to as "ASSIGNEE," is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to ASSIGNOR by ASSIGNEE, and other good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, or prolongations or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full extent and term of any Letters Patent.

ASSIGNOR further agrees that ASSIGNOR will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications; execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof; and perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's name to this Assignment on the date indicated below.

\_\_\_\_\_  
Dickinson Buell Date

STATE OF )  
                  )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_, before me, the undersigned Notary Public or Witness, personally appeared the above-named ASSIGNOR, known to me (or proven to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC or WITNESS  
MY COMMISSION EXPIRES: \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

MAP

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

MEDLEN & CARROLL, LLP  
Suite 350  
101 Howard Street  
San Francisco, CA 94105

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APR 23 2007

MEDLEN & CARROLL

COPY MAILED

APR 19 2007

OFFICE OF PETITIONS

In re Application of :  
Sammut, et al. : DECISION GRANTING STATUS  
Application No. 11/389,723 : UNDER 37 CFR 1.47(a)  
Filed: March 27, 2006 :  
Atty. Dkt. No.: SAMMUT-08961 :  
For: APPARATUS AND METHOD FOR :  
CALCULATING AIMING POINT :  
INFORMATION :

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed February 7, 2007.

The petition is GRANTED.

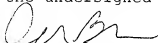
Petitioners have shown that the non-signing inventor has refused to execute the declaration for the above-identified application and/or cannot be reached or located for presentation and execution of same, and is thus unavailable.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions

**COPY MAILED****APR 19 2007****OFFICE OF PETITIONS**

Dickinson Buell  
310 Cherry Lane, Apartment E  
Phoenix, OR 97535-7708


In re Application of :  
Sammut, et al. : LETTER  
Application No. 11/389,723. :  
Filed: March 27, 2006 :  
Atty. Dkt. No.: SAMMUT-08961 :  
For: APPARATUS AND METHOD FOR :  
CALCULATING AIMING POINT :  
INFORMATION :

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions

06 JUL 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

David A. Casimir  
Medlen & Carroll  
101 Howard Street  
Suite 350  
San Francisco CA 94105



In re Application of  
SAMMUT et al.  
Application No.: 10/579,119  
PCT No.: PCT/US2004/037947  
Int. Filing Date: 12 November 2004  
Priority Date: 12 November 2003  
Attorney Docket No.: SAMMUT-10964  
For: APPARATUS AND METHOD FOR  
CALCULATING AIMING POINT INFORMATION

DECISION

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 19 June 2007 in the United States Patent and Trademark Office (USPTO).

#### **BACKGROUND**

On 12 November 2004, applicants filed international application PCT/US2004/037947, which designated the United States and claimed a priority date of 12 November 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 26 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 May 2006.

On 10 May 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 19 June 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, the surcharge under 37 CFR 1.492(h), copies of letters sent to non-signing inventor Dickinson Buell, copies of United States Postal Service Certified Mail Return Receipts, and a copy of the declaration of inventors sent to Mr. Buell.

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee of \$200 has been charged to Deposit Account 08-1290.

Item (2) has not been met. The declaration of inventors sent to Mr. Buell for signing was insufficient. Although there are three joint inventors, the declaration identifies only Mr. Buell as an inventor. Each declaration must list all of the inventors. While multiple declarations, each signed by only one of several joint inventors, may be submitted, each declaration must be complete.

Item (3) has been met.

Item (4) has not been met. Again, the declaration does not list all of the inventors. While there are three joint inventors, only Mr. Sammut and Mr. Chao are listed on the declaration signed by them.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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Application No.: 10/579,119

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